



The Court Report

5th Police District

February 2008

Building Safer Neighborhoods Through Community Partnership
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Summary of Recent Court Cases

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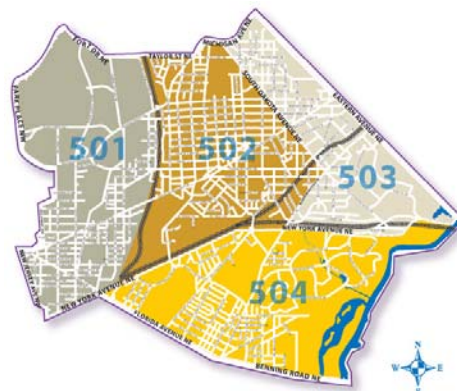
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A detailed description of these and other cases from the 5th District is provided inside of this report.

The 5th Police District



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Please welcome Assistant United States Attorney Trina Carrington to the Fifth District as the Community Prosecutor, Trina brings a wealth of experience to the Community Prosecution Team. Trina will be attending meetings throughout the Fifth District. She can be reached on (202) 698-0144. Please introduce yourself and welcome Trina to the Fifth District. . The United States Attorney's Office will continue to work with MPD and other local government to make our fifth District a safer place to live.

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THE COURT REPORT

A 48-year-old District of Columbia man, Martin “Tony” Brown, was found guilty today of Second Degree Murder while Armed in connection with the December 7, 2006, beating death of his 89-year-old grandfather, Howard Brown, U.S. Attorney Jeffrey A. Taylor announced.

The Honorable Frederick H. Weisberg presided over the trial in the Superior Court of the District of Columbia and will sentence Brown in this Spring. The defendant faces a maximum of 40 years in prison based upon his conviction.

According to the government’s evidence, in 1962, the 89-year-old decedent, Howard Brown, along with his wife, his son and wife (defendant’s father and mother) purchased the house at 3045 Clinton Street, NE. Through the years, the decedent’s wife and son passed. This left the house in the name of the decedent and his son’s wife (defendant’s mother). In 1992, the decedent transferred 15% of his interested to his niece, Dorethea Bush.

Sometime around June 2006, the defendant told Bush to take her name off the title because the house was his. She refused and then stayed away from the house. Meanwhile, the defendant continued to live in the house.

During the morning of December 7, the decedent went next door to his neighbors, who took it upon themselves to cook his meal. After learning what they were cooking for dinner, he returned home. He was home around noon when a friend of the defendant’s stopped by. The defendant stepped out front with the person for a few minutes.

At approximately 5:00 p.m., the neighbors went to the decedent’s house in order to take him dinner. Since the phone line was busy, they walked across the driveway to knock on the door. They went to the back door and looked inside, whereupon they saw the decedent lying on the floor. They then forced open the front door and observed the decedent lying in a pool of blood, with the telephone underneath him. One of the neighbors bent down to talk with the decedent. The decedent told her that he was not doing very well. He continued and said that Tony, his grandson had beaten him. (Case No. 2007CF1007404)

A 29-year old Northeast Washington, D.C. man, Elliot Heath, has been sentenced to 85 years in prison for the brutal fatal shooting of a man and the wounding of his girlfriend in 2005.

Heath received his sentence on Friday, February 22, 2008, before the Honorable Erik Christian. On October 31, 2007, a Superior Court of the District of Columbia jury found Heath, formerly of the 1800 block of Kendall Street, NE, guilty of one count of First Degree Murder while Armed and one count of Possession of a Firearm during a Crime of Violence for killing Patrick Carter, Jr., and one count of Assault with Intent to Kill while Armed and one count of Possession of a Firearm during a Crime of Violence for shooting Mr. Carter’s girlfriend, who survived, and one count of Carrying a Pistol without a License.

In sentencing the defendant, Judge Christian stated that while he would stay within the voluntary District of Columbia Sentencing Guidelines, he nonetheless emphasized the brazen nature of the offense. Noting that it was broad daylight when the defendant and his associate acted, and that they shot into Mr. Carter's car innumerable times, the judge called the killing "an execution." Judge Christian further stated that it was amazing that Mr. Carter's girlfriend survived.

The evidence at trial established that on November 17, 2005, at approximately 9:10 a.m., the defendant and a second individual approached a car parked in front of 1827 Corcoran Street, NE, Washington, D.C. (PSA 504). The decedent, Mr. Carter, sat in the driver's seat, while his girlfriend, sat in the passenger seat of the car. The defendant and the second gunman approached the vehicle on the driver's side and fired some 23 times at the decedent. The defendant and the other man shot the decedent at least seven times, in the torso, arms, leg and hand. The girlfriend was shot three times and grazed twice and survived. The defendant and his associate fled on foot. The defendant subsequently returned to the car with other onlookers while emergency and police personnel assisted the victims. The girlfriend and another eyewitness to the murder identified the defendant to police some time after the murder.

The decedent was transported to Med Star, where the doctors were able to keep him alive. The decedent was kept in the Washington Hospital Center until he was transferred to National Rehabilitation Hospital in mid December 2006. From there, he was transferred to a nursing home where he died on March 28, 2007.

An autopsy was performed by the Maryland Medical Examiner's Office. The manner of death was blunt force trauma to the head and the cause of death was ruled a homicide. The decedent suffered a fractured skull and ribs. He also suffered a subdural hematoma (the brain kept bleeding). The medical examiner's opinion was based on no small part on the fact that the decedent never left the hospital, and thus the dying process started on December 7. (Case No. 2006CF1016194)

DISTRICT COURT CASES

A former District of Columbia Correctional Officer, Dana E. Marshall, was sentenced on February 1, 2008 by the Honorable Reggie B. Walton to a term of twelve (12) months in prison. Marshall was also fined \$3,000 and, upon his release from prison, Marshall will serve a three (3) year term on supervised release.

FACTS: Marshall, 52, entered his guilty plea on Friday, November 9, 2007, in the U.S. District Court for the District of Columbia.

According to the government's evidence, from October 2006 through August 28, 2007, Marshall, who was assigned to the Central Detention Facility ("CDF"), sometimes referred to as the D.C. Jail, located at 1901 D Street, SE, Washington, D.C., conspired with Sheri F. Adams and others to corruptly demand, seek, receive and accept money and other things of value in return for Marshall bringing contraband to inmates in the D.C. Jail in violation of his official duty as a

correctional officer. Adams, who has also pled guilty, met with individuals associated with inmates, would accept cash and contraband from them and, in turn, would deliver those items to Marshall, who brought the contraband into the Jail and delivered it to the inmates. Marshall and Adams split the bribery payments received in the scheme.

“The sentence handed down today by Judge Walton – 12 months in prison – should send a clear message to correctional officers and other public officials who may face temptation to accept cash to compromise their position,” stated U.S. Attorney Taylor. “This conduct will not be tolerated and will be aggressively prosecuted.”

“Today’s sentencing illustrates that the FBI will continue to investigate all reports of civil or public servants abusing their position of trust,” stated FBI Assistant Director in Charge Persichini. “The FBI is committed to bringing those individuals who engage in such illegal actions to justice.”

A 34-year-old Northeast Washington, D.C. man, Jermaine L. Griffin, has been found guilty of possessing almost a half of a kilogram of crack cocaine.

FACTS: A federal jury in the District of Columbia found Griffin guilty of possession with intent to distribute 379.9 grams of crack cocaine. Griffin, formerly of 1032 6th Street, NE, Washington, D.C., is scheduled to be sentenced on May 2, 2008, before U.S. District Judge John D. Bates who presided over the jury trial. Under federal sentencing statutes, Griffin faces a mandatory minimum sentence of 10 years for the large amount of cocaine crack he possessed.

Evidence at trial demonstrated that during a traffic stop at 14th and Perry Streets, NW, Washington, D.C., U.S. Park Police Officer Sean D’Augustine noticed crack cocaine on the console of a Chevy Tahoe registered to the defendant’s wife, but driven by Jermaine Griffin. A search of the vehicle, revealed a 7-UP soda can that had been modified with a pull-off top to conceal cocaine inside, but otherwise had the appearance of a normal soda can. Additional cocaine was concealed underneath the cup holder. According to expert testimony, the total street value of the crack cocaine recovered from Griffin exceeded \$55,000.

Tommy Dorsey, a member of the “M Street Crew,” has been sentenced to concurrent sentences of 300 months in prison for participating in narcotics trafficking and racketeering conspiracies that included the murder of two individuals in 2000.

FACTS: Dorsey, 27, formerly of 509 46th Street, SE, Washington, D.C., received his sentence on February 1, 2008, in U.S. District Court before the Honorable Rosemary Collyer. Dorsey pled guilty on January 17, 2007, during jury selection, to participating in a conspiracy to distribute more than one kilogram of PCP (phencyclidine), more than 50 grams of cocaine base, also known as crack, and ecstasy (methamphetamine). He also pled guilty to participating in a racketeering enterprise conspiracy and admitted to racketeering acts involving the August 1, 2000 home invasion burglary and murders of William Cunningham and Christopher Lane, at 4934 Foote Street, NE, Washington, D.C.

Dorsey was convicted, along with co-defendants Jonte Robinson and Larry Gooch, for burglarizing the apartment occupied by William Cunningham and Christopher Lane. During the break-in, Gooch shot William Cunningham in the head and Dorsey shot Christopher Lane in the back of the head as Lane was lying on the floor in a corner of the apartment. The men were joined for trial when jury selection began, and both Dorsey and Robinson entered guilty pleas during jury selection. Larry Gooch continued to trial and was convicted for his role in the same murders, as well as additional murders and drug trafficking offenses. The judge had directed the prosecutors and the defense attorneys not disclose the outcome of Dorsey's case so as not to unfairly prejudice Larry Gooch as he proceeded with his jury trial.

Tommy Dorsey was one of over 40 people who have been convicted of drug conspiracy and racketeering charges involving the investigation and prosecution of the "M Street Crew." The crew, a violent drug gang, conducted a notorious PCP (phencyclidine), crack cocaine and ecstasy distribution ring that operated in the neighborhood of 18th and M Streets, NE between 1997 and 2004.

To date, approximately 40 members have been convicted for their roles as participants in the M Street Crew. The prosecution grew out of the investigative activities of a long-term FBI/MPD alliance called the Safe Streets Task Force. That task force targeted certain violent drug trafficking gangs in the District of Columbia and spent two years gathering the evidence against the M Street Crew.

A 43-year-old British citizen, Peter John Miller, has been extradited to the United States to face transportation of child pornography charges brought forth in an indictment returned by a federal grand jury sitting in the District of Columbia.

FACTS: Miller was arraigned on the six-count indictment on February 5, 2008 in the U.S. District Court for the District of Columbia. Miller, a resident of London, England was arrested in Thailand and extradited to the United States to face the charges. Each count carries a mandatory minimum of five years in prison with a maximum of 20 years upon conviction. The court has set a detention hearing for Thursday, February 7, 2008.

"Online child predators and purveyors of child pornography are a growing world-wide problem," stated U.S. Attorney Taylor. "With excellent coordination among our local, federal, and international law enforcement partners, such as we saw in this case, we stand united and ready to prosecute and hold those accountable who seek to harm our children."

"Today's announcement of the extradition and indictment of Peter John Miller illustrates the FBI's continued dedication to protecting the nation's children and young people from on-line predators and those individuals who manufacture and distribute child pornography," said FBI Assistant Director in Charge Persichini. "Together with our law enforcement partners here in the District of Columbia, across the United States and around the world, we pledge our commitment to the safety of our nation's youth."

“This is just another great example of the great work of MPD and our law enforcement partners who work around the clock to protect our most vulnerable residents – our children,” stated MPD Chief Lanier.

According to information set forth in court documents, Miller began communicating via the Internet with a Metropolitan Police Detective in November 2006. During the course of their on-line conversations, Miller, whose identity was then unknown, is alleged to have sent images of child pornography to the undercover officer. In December 2006, Miller went to Thailand where he maintained a condominium. He asked the officer to obtain child pornography for him and in return is alleged to have sent two packages containing child pornography from Thailand to an undercover mailbox in the District of Columbia.

The return address on one of the packages was forwarded by the FBI to FBI agents in Thailand and the Royal Thai Police. Royal Thai Police placed the residence under surveillance, identified the occupant as Peter John Miller, a British subject, and obtained a search warrant for the condominium in January 2007, during which a large amount of child pornography was recovered. In the meantime, FBI Agents were contacted in London and law enforcement officials subsequently executed a search warrant at Miller’s residence in January 2007, and recovered additional child pornography as well as materials linking Miller to the undercover officer.

This case was brought as part of Project Safe Childhood and the Regional Internet Crimes Against Children Task Force. In February 2006, the Attorney General created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the U.S. Attorney’s Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

A 65-year-old Northeast Washington, D.C. man, Melvin Gale, has been sentenced to serve 57 months in prison for distribution of Oxycontin within 1,000 feet of a school in 2006.

FACTS: Gale received his sentence on February 6, 2008 in U.S. District Court before the Honorable John D. Bates. Gale, of Burns Street, NE, Washington, D.C., had pleaded guilty to the charge and agreed that the government’s evidence established that he made four sales to a government informant during the month of June 2006. In one of the sales, Gale directed the informant to follow his car as the defendant drove to a street in front of Smothers Elementary School in Northeast Washington, D.C. At that point, the defendant sold the informant a factory-sealed bottle of 100 Oxycontin 40 mg pills. In addition, the defendant sold 120 Percocet pills to the informant. As a result of the four sales and the execution of a search warrant at Gale’s residence, the government recovered 660 Oxycontin or oxycondone 40 mg pills, 30 Oxycontin 80 mg pills, 360 Percocet pills, and 1,135 methodone pills.

Derek B. Vereen, 46, of Alexandria, VA, and Steven M. Kowalik, 47 of Leesburg, Virginia, pled guilty on February 6, 2008 before Magistrate Judge Alan Kay in the U.S. District Court for the District of Columbia to two counts of Unlawful Taking of Wildlife.

FACTS: Vereen and Kowalik, who face a maximum penalty of six months in jail and a fine of \$500 for each offense, pled guilty pursuant to a deferred sentencing agreement with the government in which they agreed to pay fines of \$750 and \$1,000, respectively, to forfeit their hunting equipment, and to perform 50 hours of community service.

According to the government's evidence, on Thursday, November 22, 2007, Thanksgiving Day, at approximately 10:30 a.m., officers of the U.S. Park Police responded to a report of deer hunting in the park behind the Blue Plains Impoundment Lot. The park, officially known as U.S. Reservation Number 421, borders Interstate 295 and is commonly known as Shepherd Parkway or the "old DC Tree Nursery." Hunting is prohibited by federal regulation in all parks in the District of Columbia.

Upon arrival at the park, a security officer from the Blue Plains Impoundment Lot informed the officers that he had seen two men enter the park wearing camouflaged clothing and carrying hunting weapons. The officers then located a black Toyota pickup truck, registered to Vereen, parked in a restricted area of the park. The truck had been driven around roadway barricades that were designed to prevent vehicle access into the park, and had been parked in such a manner as to be hidden behind the fence separating the park from the Blue Plains Impoundment Lot.

Officers canvassing the park by helicopter observed two individuals, later determined to be the defendants, crouching over an eight-point antlered Whitetail Deer carcass in a meadow of the park. The Park Police helicopter landed, and the defendants were placed under arrest. Closer inspection of the weapons carried by both men revealed them to be modern compound bows with attachable quivers containing razor tipped arrows that are capable of going through the bodies of two or more full-sized adults. Blood and hair from both fox and deer were found on some of the arrows.

An inspection of the deer buck revealed it had been field dressed and gutted, and a subsequent search of the park revealed two piles of fresh entrails, separated into non-edible and edible organs, and a blood and hair trail from the entrails to the deer carcass that the defendants were crouching over. The search also revealed two dead Red Foxes, both of whom had also been shot with arrows and who appeared to have been dead for at least 36 hours. The officers also recovered two portable hunting stands attached to trees that belonged to the defendants, and a small camouflaged bag containing a canister of simulated deer scent and a "deer call" which is used to bring other deer into the area.

The defendants were subsequently interviewed and admitted that Kowalik had killed the foxes two days prior, and that they had hunted, killed and gutted the eight-point Whitetail Deer buck. Both men additionally admitted that they did not have hunting licenses for the District of Columbia, and that they had been told that hunting was not permitted in that area.

Aubrey Randolph Scott, 47, a former employee of the National Academy of Sciences, was sentenced on February 8, 2008 by U.S. District Judge Colleen Kollar-Kotelly to 41 months of incarceration for defrauding the National Academy of Sciences out of \$1.2 million

between 2000 and 2006. As part of the sentence, the Court also ordered Scott, of Germantown, Maryland, to forfeit his home, a BMW M5 automobile, and jewelry.

FACTS: According to the statement of the offense signed and agreed to by Scott, the National Academy of Sciences (“NAS”) is a nonprofit organization located in Washington, D.C. It was chartered by Congress with a dual mission of honoring outstanding American scientists and providing advice to the government on issues involving science and technology. While Scott worked in NAS’s reprographics center, he submitted and approved the payment of hundreds of invoices in amounts less than \$2,500 for a company called Paper Perfect Reproductions (“Paper Perfect”).

Under the procurement structure within NAS, Scott was authorized to order and approve the payment of invoices for supplies or services procured by the reprographics center for amounts less than \$2,500. NAS paid Paper Perfect by checks which were sent to a rented mail box using the U.S. Postal Service to Paper Perfect, 4200 Wisconsin Ave, NW, Washington, D.C. Scott opened and controlled the rented mail box at 4200 Wisconsin Avenue and cashed or deposited all of the checks sent by NAS. Scott spent the money paid to Paper Perfect by NAS on numerous items, including the purchase of a BMW M5 automobile and jewelry. Scott also used these monies to pay down the mortgage for his home.

During the period 2000 to 2006, Scott approved payments totaling \$1,231,108 for such invoices even though Paper Perfect never delivered any products nor provided any services to NAS. Instead, Scott created Paper Perfect solely to receive the checks mailed by NAS for the invoices submitted and approved by Scott. NAS did not benefit from this fraud. Scott acted by himself in submitting and approving the invoices for payment.

A 51-year-old Silver Spring, Maryland man, John Straub, was sentenced on February 8, 2008 to 15 months in prison by U.S. District Judge Henry H. Kennedy, Jr., after pleading guilty in October 2007 to mail fraud in connection with his scheme to defraud the Carnegie Institution of Washington of over \$100,000,. Straub was also fined \$5,000 and ordered to pay restitution to the Institution.

FACTS: The Carnegie Institution of Washington (“CIW”) is a non-profit scientific research organization that specializes in the physical and biological sciences. From approximately 1985 until January 2006, Straub was employed by the Laboratory as an Accountant and Business Manager. Straub’s job responsibilities included oversight of Paul Meeder, who was, among other things, responsible for reviewing and reconciling the monthly credit card statements the Laboratory received from Diners Club and Sam’s Club. In a separate case, Paul Meeder pleaded guilty to one count of mail fraud in connection with this scheme. Meeder was sentenced by Judge Kennedy on January 18, 2008, to a five-year period of supervised probation.

Straub was authorized the sign the payment checks mailed to Diners Club, located in The Lakes, Nevada, and to Sam’s Club, located in Carol Stream, Illinois. Straub approved the general ledger entries that recorded the credit card expenditures of the Laboratory’s employees into the

proper account or category. On a quarterly basis, Straub was responsible for providing the detail that comprised the balances of the expense accounts, including the Advance account, to CIW for review and reconciliation.

Some employees of the Laboratory, including Straub, were issued credit cards issued by Diners Club and Sam's Club to pay for expenditures incurred in furtherance of the Laboratory's operations. It was Straub's job responsibility, among others, to ensure that employees reimbursed the Laboratory for all personal expenditures that were paid for using the Diners Club and Sam's Club credit cards issued to them by the Laboratory.

Straub was issued a Diners Club and a Sam's Club credit card by the Laboratory. Straub was authorized to use the credit cards to pay expenditures such as office supplies and equipment, gasoline for the Laboratory's vehicles, and travel to attend training classes or seminars.

From in or about May 1, 2002 through January 4, 2006, Straub used the Diners Club and Sam's Club credit cards issued to him by the Laboratory to pay for personal expenditures he incurred without the authority of CIW. For example, Straub used the Diners Club credit card to pay for items purchased at Sharper Image and he used the Sam's Club credit card to pay for electronic items such as a 42" Plasma television. In addition, Straub used the Diners Club credit card to pay for vacation expenditures in Orlando, Florida; Indianapolis, Indiana; St. Thomas, Virgin Islands; Curacao, Aruba; Las Vegas, Nevada; and Honolulu and Kapolei, Hawaii. Straub also used the Diners Club credit card to pay for vacation expenditures such as airline tickets, Walt Disney World merchandise, a Royal Caribbean Cruise, and a Voyager of the Seas cruise. Straub used the Diners Club and Sam's Club credit cards issued to him by the Laboratory to pay for unauthorized personal expenditures that totaled \$105,597.21.

Straub was not authorized by CIW to incur these personal expenses on his behalf. Straub intentionally misused the CIW issued credit cards to defraud CIW of monies and of his honest services as a CIW employee. To carry out this scheme to defraud CIW, Straub caused the U.S. mails to be used by mailing payments from CIW in Washington, D.C. to businesses outside of Washington, D.C.

A 59-year-old Los Angeles, California resident, Mojtada Maleki-Gomi, has been sentenced to 18 months in prison and fined \$200,000 for violating the U.S. embargo against Iran in 2005 after previously pleading guilty.

FACTS: Maleki-Gomi received his sentence on Friday, February 7, 2008, in the U.S. District Court for the District of Columbia before the Honorable John D. Bates. According to the government's evidence, Maleki-Gomi did business as M&M Investment Co. ("M&M") of Beverly Hills, California. M&M sold and exported textile machinery and other commodities. In or around July 2005, a cooperating source for ICE made an inquiry to M&M in response to an advertisement on a website that the company had posted seeking to sell a type of textile machinery known as Knit-de-Knit ("KDK") equipment. An associate of Maleki-Gomi responded to the inquiry and, after learning that the cooperating source and an undercover agent

wanted to ship the textile machinery to Iran, put the government agents in contact with Maleki-Gomi.

Maleki-Gomi explained to the undercover agent how he was able to evade the U.S. embargo against Iran by shipping commodities to Iran through Dubai, United Arab Emirates. During the fall of 2005, Maleki-Gomi worked on the logistics of sending a container of 30 used KDK machines to Iran through Dubai.

On December 7, 2005, the container with the KDK machinery that M&M had sold to the undercover agent left the United States for Dubai. A short time later, U.S. Customs and Border Protection ("CBP") recalled the container and detained it.

Also sentenced with Maleki-Gomi was his son, Babak Maleki, 29, also of Los Angeles, California. Babak Maleki had previously pled guilty to making false statements to CBP about the true destination of the KDK equipment as part of M&M's efforts to get the goods released from detention. Maleki received a sentence of probation.

Joseph S. Winstead, a U.S. Postal Service (USPS) employee, has pled guilty to mail fraud for fraudulently claiming to be on jury service for 144 days when, in fact, he was not, resulting in Winstead being paid by the USPS \$31,757.79 in salary to which he was not entitled.

FACTS: Winstead, 52, of the 1100 block of Barnaby Terrace, SE, Washington, D.C., entered his guilty plea at a hearing on February 13, 2008 in U.S. District Court in the District of Columbia before the Honorable John D. Bates. During the plea hearing, Winstead admitted submitting numerous false claims that he continued on jury service in 2004 long after his service, in fact, had concluded. Winstead faces up to 20 years in prison under the federal statute when sentenced later this year, but likely will face 8 to 14 months of imprisonment under the Federal Sentencing Guidelines. As part of his guilty plea, Winstead agreed to make restitution to USPS of \$38,923.95 for this matter as well as a subsequent occasion in 2006 where he also claimed jury service beyond his actual service.

According to the proffer of evidence by the government at the time of the plea, which was agreed to by Winstead, USPS operated the Curseen-Morris Processing and Distribution Center at 900 Brentwood Road, NE, in the District of Columbia. Winstead was employed by the USPS as a Mail Processor, primarily at Curseen-Morris. Included within Winstead's duties, among others, was the processing of U.S. mail.

When a USPS employee is called for jury service in federal court, the employee is entitled to be paid his or her normal salary while they actually serve as a juror or prospective juror. The employee is required, however, to submit documentation from the court showing the days that they actually were serving as a juror or prospective juror so the employee could be paid for court leave. Absent such documentation, the employee would be placed on leave without pay or absence without leave from USPS.

In the Fall of 2003, Winstead was sent a Summons by the U.S. District Court for the District of Columbia to appear for jury service on October 1, 2003. Winstead did so appear and went through a juror orientation.

Pursuant to the summons, Winstead, in fact, did serve on a jury and did submit to his supervisor's documentation that he so served. Winstead, however, also submitted through the U.S. mail fraudulent documents showing him serving on the jury for approximately 144 days when, in fact, he did not do so, including many days past his dismissal from the jury on April 15, 2004. As a result of Winstead's actions, he was paid by the USPS approximately \$31,757.79 that he should not have been paid.

A 34-year-old Northwest District of Columbia man, Sidney Spain, has pled guilty to possessing child pornography in November 2007.

FACTS: Spain pled guilty on February 13, 2008 n before the Honorable Chief Judge Thomas F. Hogan in the U.S. District Court for the District of Columbia to one count of Possession of Child Pornography. He faces a maximum of up to ten years in prison when sentenced in May 2008.

According to the government's evidence, on Friday, November 9, 2007, at approximately 12:27 p.m., members of the Metropolitan Police Department and Federal Bureau of Investigation executed a federal search warrant at the defendant's apartment, located in the 1300 block of U Street, NW, Washington, D.C. Among the items recovered in the search of the defendant's residence was a Western Digital external hard drive, a Dell Dimension 8300 desktop computer, an IBM Thinkpad laptop computer, and an HP DV400 laptop computer with a "North Carolina" sticker. Analysis revealed that the computers and the hard drive contained in excess of 600 images of child pornography, that the majority of the pornographic images were of prepubescent males, and that defendant possessed these images for his personal use, and to distribute them to others. The ages of the children appeared to range from approximately three to five years old to young teens. Among the images were movie files depicting prepubescent male children approximately ten years old engaging in sexual acts.

James Michael McHaney, 28, of Washington, D.C., pled guilty on February 14, 2008 before the Honorable Chief Judge Thomas F. Hogan in the U.S. District Court for the District of Columbia to one count of Possession of Child Pornography.

FACTS: McHaney, who was employed as an aid to a U.S. Senator at the time of his arrest, faces a maximum sentence of ten years in prison and a fine of \$250,000 at sentencing. Under the federal sentencing guidelines, the defendant faces between 97 to 120 months in prison. A sentencing date has not yet been set.

According to the government's evidence, on November 30, 2007, a cooperating witness ("CW") working in an undercover capacity under the supervision of law enforcement agents, went on-line and observed that "Mike," previously identified as James "Michael" McHaney, was on-line with the screen name of "lilmikierocks." The CW and "Mike" had previously met and had

exchanged images of child pornography. At approximately 12:15 p.m., the CW initiated contact by saying "Hey, what's up?" The on-line conversation took place using AOL.

After approximately ten minutes, the CW asked "Mike" whether he was going to be at work all day, to which "Mike" responded that he could take a long lunch. CW asked whether "Mike" was interested in engaging in sex with a 13-year-old boy, and "Mike" replied, "I'll be there." "Mike" asked whether the child was at the CW's residence and agreed to meet the CW and the child there. "Mike" then asked whether the CW had a photograph of the child with whom he and the CW were going to have sex and whether the child had "pubes" (referring to pubic hair). When the CW answered "barely any pubes" and "none under his arms" to the latter question, "Mike" replied that was "hot." "Mike" also agreed to bring "visual aids" on a flash drive that contained both videos and over 1000 images of child pornography. "Mike" said that his hard drive was at another individual's house being loaded with more images of child pornography.

At approximately 1:15 p.m., law enforcement officers observed James Michael McHaney at the lobby of the CW's residence, located in Northwest Washington, D.C., and he was placed under arrest. A search incident to the arrest of the defendant revealed a flash drive which contained in excess of 600 images of child pornography. The majority of the pornographic images were of prepubescent males, which the defendant possessed for his personal use, and to distribute to others. The ages of the children appeared to range from approximately three to five years old to young teens. Among the images were movie files depicting prepubescent male children engaging in sexual acts.

A 39-year-old Metropolitan Police Department Officer, Kenneth Longerbeam, has pled guilty to traveling to the District of Columbia in order to have sex with a minor in December 2007.

FACTS: Longerbeam entered his guilty plea in U.S. District Court before Chief Judge Thomas F. Hogan, who has scheduled sentencing for May 22, 2008. The defendant faces a sentence of up to 30 years in prison under the statute, and a likely sentence of 46 to 57 months of incarceration under the federal sentencing guidelines. Under the terms of the plea agreement, Longerbeam is also required to resign from the Metropolitan Police Department, and will have to register as a sexual offender.

The guilty plea is the result of an undercover investigation conducted by the FBI/MPD's District of Columbia Innocent Images Task Force.

"This case tragically illustrates that child predators come from all walks of life, even those sworn to uphold the law" stated U.S. Attorney Taylor. "We must be vigilant in our efforts to protect our children from those who wish to do harm to the most precious, yet vulnerable members of our community."

"Every member of the Metropolitan Police Department is held to the highest standard of public service. Inherent in every officer's oath is the promise to protect others. Longerbeam's actions

are contrary to everything the Department stands for, and as a result of his guilty plea I am seeking to suspend him without pay,” said Chief Lanier.

At today’s plea hearing, the defendant acknowledged that on December 18, 2007, he received a text message from a friend who informed the defendant that he had a boy coming over and that he was going to engage in sex with the child. During the ensuing exchange of text messages, the defendant asked how old the child was and was told that the child was 14 years old. After the defendant’s friend stated that he was going to have sex with the child, the defendant asked whether the boy was “into 3 ways.” When the friend told the defendant that the child was into “3-ways”, the defendant responded: “Kool, when can I join?”

The defendant subsequently traveled from the State of Maryland into the District of Columbia to serve his tour of duty at the Metropolitan Police Department’s Fourth District. When the defendant completed his tour, he traveled to his friend’s house to have sex with the child. The defendant was arrested by task force members at that time.

This case was brought as part of Project Safe Childhood and the Regional Internet Crimes Against Children Task Force. In February 2006, the Attorney General created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the U.S. Attorney’s Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

A former supervisor in the District of Columbia Department of Public Works, Eric A. Shannon, was sentenced on February 14, 2008 to 13 months of incarceration for receiving multiple bribes from criminal offenders, from whom Shannon accepted payments in return for allowing the offenders to avoid having to complete their required community service.

Shannon, 41, of Washington, D.C., was sentenced by U.S. District Judge Henry H. Kennedy, Jr. After he completes his incarceration, Shannon will serve two years on supervised release.

According to the proffer of evidence presented to the Court, Shannon was a Sanitation Supervisor and a District employee since 1999. The Department of Public Works participates in a program sponsored by the Office of the District of Columbia Attorney General in which first-time offenders agree to perform community service: if an offender completes his community service obligations, and does not commit any new offenses, his case will be dismissed. The Department of Public Works provided opportunities for offenders to complete their community service obligations by cleaning alleys and street signs and removing leaves, cut grass, and graffiti.

Shannon implemented the weekend community service assignments for the Department of Public Works. He was supposed to meet offenders at the Reeves Center, at 2000 14th Street NW, on weekend mornings, assign community service work, and maintain records of the number of community service hours completed.

On at least six occasions, Shannon solicited and receives bribes ranging from \$50 to \$400 in return for not requiring the offenders to complete their required community service. The offenders received from Shannon post-dated letters on Department of Public Works stationery falsely stating that they had completed a specified number of community service hours – letters they could then use to seek dismissal of their criminal cases.

For example, on or about June 23, 2007, Shannon solicited and accepted \$400 in return for providing a signed letter on Department of Public Works stationery falsely stating that an individual had completed 88 hours of community service between June 23, 2007 and July 29, 2007, when, in truth, (1) the individual had not completed any community service hours; (2) Shannon had corruptly agreed that the individual never would have to complete any of his community service hours; and (3) the letter was signed on June 23, 2007, but asserted that the individual had already completed future community service hours up to and through July 29, 2007.

Matthew C. Victor, a former U.S. Department of State Foreign Service Consular Officer in the Embassy of the United States in Berlin, Germany, has been sentenced in U.S. District Court before the Honorable Ricardo M. Urbina on his prior guilty plea to False Certificates by a Consular Officer.

FACTS: Victor, 44, of Cantonville, Maryland, pled guilty in September 2007, and was sentenced today to four months of home confinement with electronic monitoring, a fine of \$4,000, and two years probation. Judge Urbina additionally ordered that Victor pay for the costs associated with the electronic monitoring.

According to the evidence presented to the Court, on or about October 19, 2004, Victor, who was the then-Deputy Consular Chief in the U.S. Embassy in Berlin, knowingly certified falsely to the visa application of a female Polish national with whom he was having an affair. Specifically, Victor knew that the information that the Polish national put on her visa application indicating that she resided and worked in Germany was false. Nevertheless, Victor certified to the application, to which his certificate was authorized or required by law.

A local physician, Martin R. McLaren, has pleaded guilty to making a false statement in relation to health care matters and agreed to pay \$5 million in restitution and forfeiture,

FACTS: McLaren, 65, of Thornden Terrace, Bethesda, Maryland, entered his guilty plea on February 21, 2008 before U.S. District Judge Colleen Kollar-Kotelly. At the sentencing, which has been scheduled for July 11, 2008, McLaren will face a maximum sentence of 46 months of incarceration. As part of the plea, McLaren agreed to forfeit property and pay cash totaling approximately \$5 million to settle criminal restitution, forfeiture, and civil aspects of the case.

Dr. McLaren stipulated that he had caused \$1.75 million in loss because of his actions at the Pain Management Clinic. Dr. McLaren is an anesthesiologist who owns the Pain Management

Center, which was located in Hyattsville, Maryland, and rented space at other locations, including Waldorf, Oxon Hill and Largo, Maryland.

In his billing procedures, between 2000 and 2006, Dr. McLaren used a pre-printed form, known in the medical industry as a “superbill,” to indicate which medical procedures or services should be billed for each individual patient. The superbill listed the names of procedures that Dr. McLaren commonly billed, and also listed the corresponding code for each procedure. The procedure codes, also known as “CPT codes,” are defined in the American Medical Association Physician’s Current Procedure Terminology (“CPT”) Guidebook.

To initiate the billing process for an individual patient, Dr. McLaren would circle procedure codes on the superbill to indicate which procedures should be billed to the patient or to the Patient’s insurance company. Upon receiving the superbill, the billing employee would enter information from the superbill into a billing software program, which, in turn, would generate an insurance claim form, known in the industry as a HCFA or CMS 1500 claim form. Dr. McLaren was required to certify on the claim form that all of the information on the form was accurate. Once the claim form was prepared, Dr. McLaren’s staff submitted the form on his behalf by mail or electronically to Medicaid, Medicare or to the appropriate private insurance company for processing and payment. The insurance provider based the payment amount on the CPT codes specified on the claim form.

Dr. McLaren, with the assistance of his staff, submitted claims for payment to Medicaid, Medicare, private insurance companies and employee benefit plans such as Aetna, Inc., CareFirst Blue Cross Blue Shield, and Liberty Mutual, Inc., the Federal Employees Health Benefits Program, the Maryland Injured Worker's Insurance Fund and the U.S. Department of Labor's Office of Worker's Compensation Programs.

Specifically, with the assistance of his staff, Dr. McLaren submitted several claims to health benefit programs to seek payment for transforanimal epidural injections (CPT Codes 64479, 64483 and 64484). Transforanimal epidural injections, or "TEI," are essentially complex injections made around the spinal area for the purpose of pain relief, and require specialized equipment, including fluoroscopic image guidance and 3.5 inch long needles. Dr. McLaren admitted that he did not actually perform TEI as part of his medical practice.

A 22-year-old District of Columbia man, Brandon Hamilton, was sentenced on February 26, 2008 before Judge Ricardo M. Urbina in the U.S. District Court for the District of Columbia on his conviction of Possession with the Intent to distribute more than 50 Grams of Cocaine Base

FACTS: According to the government's evidence, on April 11, 2007, the defendant was found in possession of 155 grams of cocaine base – enough crack for more than 1600 individual uses – in his car near a residence in the Northeastern Quadrant of Washington, D.C. Judge Urbina sentenced the defendant to 120 months of incarceration, to be followed by five years of supervised release. The U.S. Sentencing Guideline range was between 97 and 121 months incarceration.

William Michael Dulany, 26, of Frederick, Maryland, pled guilty on February 28, 2008 before the Honorable Chief Judge Thomas F. Hogan in the U.S. District Court for the District of Columbia to one count of Enticing a Child to Engage in a Sexual Act. At sentencing, Dulany faces a maximum sentence of five years imprisonment and a fine of \$50,000, or both.

FACTS: According to the government's evidence, on December 20, 2007, at approximately 5:14 p.m., within the District of Columbia, a law enforcement cooperating witness engaged in an America Online instant message chat with Dulany, who he previously knew and was using the screen name "MDTeenTop." The cooperating witness engaged in this chat while acting in an undercover capacity and in the presence of Metropolitan Police Department detectives and agents from the Federal Bureau of Investigation. During this chat, the cooperating witness informed the defendant that his boyfriend was out of town and that he had been having fun. When the cooperating witness explained that he had purportedly been having sex with a 14-year-old child, the defendant responded, "nice."

The defendant asked the cooperating witness to describe the 14-year-old, and the cooperating witness described him as "barely 14, really smooth bod, white, perfect soccer build, like lil shorter than me, blond, and blue." The defendant and the cooperating witness then made arrangements to meet at a hotel later that day, so that the defendant could have sexual contact with the 14-year-old child. At approximately 10:22 p.m., the defendant was arrested at a hotel in Washington, D.C., which was the pre-arranged meeting place.

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victims. For more information about Project Safe Childhood, please visit www.projectsafecchildhood.gov.

U.S. Attorney's Office Website

The United States Attorney's Office maintains a website with additional information concerning Office personnel and activities. The website is www.DCcommunityprosecution.gov.

The Following Report, Titled "Papered Arrests" Contains Details on Arrests and Charges Filed Against Defendants in the Fifth District.